

### **Remarks/Arguments**

Claims 1-14, 16-29, and 31-41 are currently pending. Independent Claims 1, 22, and 34 have been amended to further clarify the invention being claimed. Claim 16 has been cancelled. Applicants request reconsideration and allowance of the application and Claims 1-14, 17-29, and 31-41 based upon the Remarks set forth herein.

### **Rejections Asserted in the Previous Office Action**

The Office Action rejected Claims 1-8, 17, 22-25 and 32-34 under 35 U.S.C. §103(a) as being obvious over Japanese Publication Number JP 2003-345255 to Koshu (“Koshu”) in view of Japanese Publication Number JP 2002-318404 to Dobashi (“Dobashi”). Regarding this rejection, it appears from the comment on page 6 of the Office Action that this rejection is based upon Koshu in view of Dobashi and further in view of the asserted “admitted prior art”, namely, that camera phones are known in the art. The Office Action also rejected Claims 8-14, 16, 18-21, 26-29, 31 and 35-41 as being unpatentable over Dobashi in view of “admitted and submitted prior art.” These rejections are respectfully traversed.

### **Claims 1-8, 17, 22-25 and 32-34 Are Allowable over Koshu and Dobashi**

The present invention is directed to a sheet having an adhesive that is configured to be releasably adhered to a lens of a mobile terminal for blocking light to the lens and thus, resulting in substantially preventing image capture. According to one embodiment, upon removal from the mobile terminal, the sheet is altered and the sheet’s adhesive does not retain its adhesiveness so that the sheet cannot be re-applied once removed.

Koshu is directed to a factory seal for indicating a container has not been opened, where the seal has the unique properties to prevent adhesive from remaining on a surface. Specifically, the seal is configured such that when the seal has been removed from the container (e.g., a drinking bottle), the factory seal provides an indication that the seal was previously adhered to and removed from the container. Further, no adhesive remains attached to the bottle when the seal is removed therefrom. Notably, the adhesive layer remains on the factory seal so that the

seal may be reattached to another surface after being removed from the container. It is noted that Drawing 7 of Koshu is a description of the prior art from which Koshu teaches away.

Dobashi is directed to a lens protector for a camera. The lens protector has an adhesive face that allows the lens protector to be removed from and re-adhered to the camera lens multiple times, as described in the machine translation of Dobashi:

“[the lens protector] of an optical system of this invention is a barrier mechanism for protecting an optical system. In order to protect the optical system, . . . [the lens protector] has and adhesive face which [allows for] re-adhesion.” (See Dobashi, paragraph [0006], “Means for Solving the Problem”)

“the adhesive material [of the lens protector] has adhesiveness [to allow for re-adhesion and removal to the camera lens] multiple times.” (See Dobashi, paragraph [0023])

Further, the lens protector of Dobashi is made of a material “which [allows] penetration [of] light” so that the camera can take a picture while the lens protector is attached. Since the whole purpose of Dobashi is to protect the lens from scratches or dust/dirt buildup, Dobashi is concerned with protecting the lens only and the lens protector is transparent to allow for the camera to be operable.

A. Koshu and Dobashi Fail to Teach or Suggest Each Recited Element of Independent Claims 1, 22, and 34.

The basic requirement of a *prima facie* case of obviousness 35 U.S.C. §103(a) is a clear articulation of the reason(s) why the claimed invention “as a whole” would have been obvious. *See* MPEP §2142. The determination of patentability is based on the entire record, by a preponderance of evidence, which legal standard requires the evidence to be more convincing than the evidence which is offered in opposition to it. *See* MPEP §2142. In other words, as explained in MPEP §2142, “the Examiner must provide evidence which as a whole shows that the legal determination sought to be proved (*i.e.*, the reference teachings establish a *prima facie* case of obviousness) is more probable than not.” In rejecting a claim as obvious, the Examiner

must consider all of the claim limitations in view of the prior art. *See In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970); and *see also* M.P.E.P. § 2143.03.

Independent Claim 1 recites that “the sheet comprises one of an opaque material or reflective film and may be releasably adhered to the surface of the mobile terminal for covering the lens to substantially prevent substantially clear image capture by the imaging device when said sheet is applied over the lens....” Independent Claim 22 recites that “the sheet may be releasably adhered to the surface of the mobile terminal for covering the lens to substantially prevent substantially clear image capture by the imaging device....” Independent Claim 34 recites that the sheet covers “the lens to substantially prevent image capture by the imaging device....”

The Office Action notes that Koshu fails to teach a sheet to prevent substantially clear image capture. (See the sentence bridging Pages 3-4). The Office Action goes on to assert that Dobashi teaches a reflective sheet that prevents substantially clear image capture. Applicant respectfully disagrees. Dobashi teaches a lens protector that is transparent to allow for the camera to be operable.

Further, Claim 1 was amended to recite: “the adhesive does not substantially retain its adhesiveness upon removal from the mobile terminal housing or lens such that the sheet cannot substantially be re-applied once removed.” It is noted that this claim recitation was previously presented in Claim 16, and the rejection thereof was not discussed at all in the Office Action. Nonetheless, neither Koshu nor Dobashi, singly or in combination, discloses this recitation. As briefly discussed, both Koshu and Dobashi have devices that can be removed and re-applied. In fact, the invention of Dobashi requires the lens protector layers to be applied and reapplied as clearly discussed multiple times throughout the Dobashi disclosure. Likewise, Koshu repeatedly discusses that the whole purpose of its invention is to retain the adhesive layer when the factory seal is removed, which clearly allows for the device to be applied and then re-applied multiple times. However, there is simply no disclosure in either of these references of being able to apply a sheet such that upon remove the adhesiveness is not substantially retained.

Thus, Applicants submit that Koshu and Dobashi clearly do not teach or suggest, either singly or in combination, each recited element of independent Claims 1, 22, and 34 and the

claims depending therefrom. Accordingly, Applicant submits that the rejection of independent Claims 1, 22, and 34, and the claims depending therefrom, based on Koshu and Dobashi should be withdrawn.

*B. There is no Suggestion or Motivation to Combine Koshu and Dobashi*

As noted above, Dobashi teaches a lens protector that may be removed and re-adhered to the camera lens multiple times. Dobashi teaches that the lens protector is transparent to allow for the camera to be operable, and not to prevent substantially clear image capture as asserted in the Office Action. Given that Dobashi clearly expresses the intended purpose of protecting the lens while allowing the camera to be operable, the modification of Dobashi, as proposed in the Office Action, would render the Dobashi invention unsatisfactory for its intended purpose, namely, protecting the lens and taking photographs at the same time. As such, there can be no suggestion or motivation to make the proposed modification. See MPEP § 2143.01(V) and *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Furthermore, Dobashi states that pictures are taken after the lens protector is re-attached to the camera lens and, since the factory seal of Koshu would have to be re-attached to the lens in an altered state, the pictures taken by the lens of Dobashi would be poor quality and thus, Dobashi would not longer function as intended.

In summary, Applicants submit that not only does Koshu and/or Dobashi, either singly or in combination, not teach or disclose all of the claim elements recited in independent Claims 1, 22 and 34, but Koshu and/or Dobashi each teaches away from the claimed invention. As such, Applicant submits that the Examiner has not met the initial burden of factually supporting any *prima facie* conclusion of obviousness. See § MPEP 2142. Accordingly, it is respectfully submitted that independent Claims 1, 22 and 34, as amended, and the claims depending therefrom, are patentable over Koshu and/or Dobashi and that the rejections should be withdrawn.

*C. Claims 8-14, 18-21, 26-29, 31 and 35-41 Are Patentable Over Dobashi in View of “Admitted and Submitted Prior Art”*

As noted above, the Office Action also rejected Claims 8-14, 16, 18-21, 26-29, 31 and 35-41 as being unpatentable over Dobashi in view of “admitted and submitted prior art.” In support of this rejection, the Office Action generally stated “one of ordinary skill in the art recognized that the security labels of this prior art could be applied to the camera of Dobashi. These labels provide can provide proof of whether someone has tampered with the object.”

Applicants note that 37 CFR 1.104(b) requires an Office Action to be complete as to all matters and that 37 CFR 1.104(c)(2) requires that an Office Action designate the particular part of each reference relied on by the Examiner as nearly as practicable and clearly explain the pertinence of such reference and each rejected claim. Applicants do not believe any other prior art references are at issue. However, to the extent the reference to “admitted and submitted prior art” is intended to incorporate any prior art reference(s) other than Koshu or Dobashi, Applicants respectfully request that the Examiner identify such reference(s) in accordance with 37 CFR 1.104. No such showing has been made, which is clear error.

Applicants understand that the Office Action has previously raised an Official Notice on Claims 23-24 that cameras may be implemented into mobile phones. Applicants do not traverse such Official Notice of Claims 23-24. However, to the extent that the Examiner is seeking to expand the Official Notice to Claims 8-14, 16, 18-21, 26-29, 31 and 35-41. In this regard, Applicants traverse this rejection. In this regard, dependent claim 8 recites “the partial adhesive coverage includes all but a portion of the lower surface of the sheet, the portion of the sheet without adhesive being adjacent to the edge of the sheet.” This is not within the common knowledge of the prior art. Dependent Claim 9 recites “further comprising a protective backing for removably covering the lower surface of the sheet.” This is not within the common knowledge of the prior art. Dependent Claim 10 recites “further comprising indicia on the upper surface.” This is not within the common knowledge of the prior art. Dependent Claim 11 depends from Claim 10 and further recites “wherein the indicia comprise characteristic symbols.” This is not within the common knowledge of the prior art. Dependent Claim 12 depends from Claim 10 and further recites “wherein the indicia comprise alphanumeric characters.” This is not within the

common knowledge of the prior art. Dependent Claim 13 depends from Claim 10 and further recites “wherein the indicia are machine-readable.” This is not within the common knowledge of the prior art. Dependent Claim 14 depends from Claim 13 and further recites “wherein the machine-readable indicia is a latent retroreflective image.” This is not within the common knowledge of the prior art.

Dependent Claim 18 recites “wherein the sheet is formed from an easily tearable material.” This is not within the common knowledge of the prior art. Dependent Claim 19 recites “wherein upon removal of the sheet from the mobile terminal housing or lens, a portion of the sheet will tear from the remainder of the sheet and the portion will remain adhered to the mobile terminal or lens.” This is not within the common knowledge of the prior art. Dependent Claim 20 recites “wherein the portion of the sheet adhered to the mobile terminal or lens comprises indicia.” This is not within the common knowledge of the prior art. Dependent Claim 21 recites “wherein the indicia comprises alphanumeric characters..” This is not within the common knowledge of the prior art.

Dependent Claim 26 recites “wherein the adhesive has a greater affinity for the sheet than for the surface of the mobile terminal or lens to which it is to be applied.” This is not within the common knowledge of the prior art. Dependent Claims 27-29 and 35-41 also contain recitations not taught by the prior art or in the common knowledge.

Applicants request the Examiner produce authority for the Examiner’s position that Claims 8-14, 16, 18-21, 26-29, 31 and 35-41 are within the common knowledge of one skilled in the art.

Inasmuch as none of the cited references, either singly or in combination, teach or suggest each of the recited elements of independent Claims 1, 22 and 34, Applicants further submit that Claims 8-14, 16, 18-21, 26-29, 31 and 35-41, which depend therefrom, respectively, and are allowable for the same reasons that each respective independent claim is allowable. Further, each of these dependent claims contains additional recitations not taught in the cited art of record and is allowable for these additional reasons even though the Office Action provides no support for the rejection of these claims. For example, Claim 18 recites “the sheet is formed from

an easily tearable material.” Neither Dobashi nor Koshu disclose using a sheet formed from an easily tearable material.

In view of the foregoing, it is submitted that Claims Claims 1- 14, 17-29 and 31-41 include recitations that patentably distinguish the claimed invention over Koshu and Dobashi, either singly or in combination. Reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of these claims is respectfully requested.

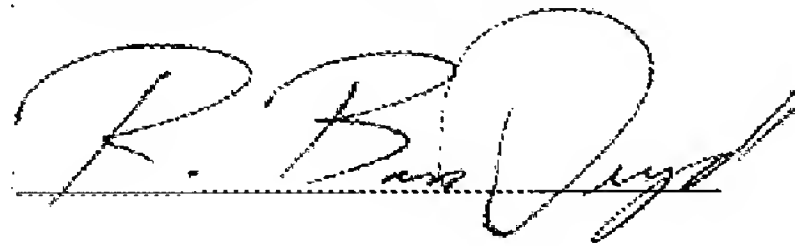
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**CONCLUSION**

In view of the Amendments to the application and the foregoing Remarks, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. Examiner Daniels is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 13-4365.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Brian Drozd", written over a horizontal line.

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